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HUMAN RIGHTS COMMITTEE

Eighty-second session

SUMMARY RECORD OF THE 2242nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 28 October 2004, at 3 p.m.

Chairperson: Mr. AMOR

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The meeting was called to order at 3.10 p.m.

THIRD INFORMAL MEETING WITH STATES PARTIES TO THE COVENANT
(agenda item 8)

1. The CHAIRPERSON, opening the third meeting with States parties, said that the number of ratifications of the Covenant currently stood at 153. The number of States acceding to the Covenant was increasing, and the most recent ratifications had included Timor Leste, Turkey, Swaziland and Liberia. There were 104 States parties that had ratified the First Optional Protocol to the Covenant, in which there was steadily growing interest, particularly among persons wishing to file complaints. Each year the Committee received an average of 5,000 communications under the Optional Protocol. They were assessed, and those deemed admissible were registered. Between 100 and 120 communications were registered every year, and between 85 and 95 of them came before the Committee. Although only 52 States parties had ratified the Second Optional Protocol to the Covenant, on the abolition of the death penalty, he noted with satisfaction that the majority of States parties no longer handed down death sentences.

2. Continuous efforts were made to improve the efficiency of the Committee's working methods, particularly with regard to the examination of State party reports and communications, and the drafting of General Comments. The preparation of lists of issues, carried out by the country report task forces, was essential for the efficient consideration of reports and productive dialogue when State party delegations came before the Committee. Following developments in Committee and task force procedures, it had become possible to examine the situation in States parties that were unacceptably overdue in submitting periodic reports - if necessary, in the absence of a delegation. There were currently 19 States parties whose reports were more than 10 years overdue.

3. The working methods of the pre-sessional Working Group on communications had been revised, in order to increase the efficiency of discussions on draft communications. As a result, the Committee had gradually begun to reduce the backlog of communications. The process of drafting General Comments had been modified, in order to allow all interested parties, particularly States and NGOs, to participate in the process, and that had increased the relevance of General Comments. Four new General Comments had recently been adopted. Follow-up procedures for concluding observations and communications had also been revised and had shown encouraging results.

4. Mr. RIVAS POSADA said that the submission of State party reports often posed problems for States parties and the Committee alike. The aim of the submission of reports was to allow the Committee to review the human rights situation in States parties; against that background it could also look at individual complaints under the First Optional Protocol. The nature of the Committee's work was such that it could only use information received from external sources, in most cases from the Government, NGOs and the public at large. It could not carry out direct research on its own initiative. State party reports were fundamental to its work.

5. The Committee did not condemn or accuse States parties. Its principal function was to monitor the problems faced by States in implementing human rights, and to provide comments and advice on methods of overcoming those problems and avoiding violations of human rights.

The non-submission of reports therefore rendered the work of the Committee particularly difficult, and limited its opportunities of providing assistance. There were currently 95 overdue reports, 35 of which were over five years late; of those 20 were initial reports.

6. A review of the Committee's working methods and rules of procedure had led to a reform of the reporting procedure, which allowed the Committee to assess the situation in non-reporting States. That process should not be considered as a form of punishment of States. The Committee communicated with Governments to remind them that their reports were overdue, and offered assistance in drafting the reports if necessary. In the event that a report was still not received following that correspondence, the Committee would inform the Government of the State party that its human rights situation would be examined nonetheless. Although that system was new, it had already received a positive response and had resulted in an increase in the submission of long overdue reports. There had also been a marked increase in the number of States parties that had requested technical assistance in fulfilling their obligations.

7. Mr. SCHEININ said that one member of the Committee was appointed for a fixed term as Special Rapporteur on communications. In accordance with rule 92 of the amended rules of procedure, the Rapporteur could request a State party to implement interim measures of protection for complainants submitting individual communications under the First Optional Protocol. Requests for such measures were not systematic, but were made in exceptional circumstances, when the Rapporteur judged the complainant to be at serious risk of irreparable damage, such as capital punishment, or deportation under risk of torture or execution. Reasons for a request for interim measures were not given, in order not to prejudge either the admissibility or merits of a case. States parties were not heard by the Committee before requests were issued, in order to guarantee the equal treatment of all States, although if the Committee required clarification on the facts of the case, the State party could be asked to comment. It was possible for States parties to request the lifting of the rule 92 measure if they could provide evidence that there was no risk of irreversible damage. Requests for comments from States parties on the admissibility and merits of cases within specific deadlines were unrelated to requests for the application of interim measures.

8. In certain cases, requests for the application of measures of protection had not been complied with. The first instance had been the execution of three complainants in the Philippines, while their case had been pending before the Committee. By ratifying the Optional Protocol, States parties were implicitly undertaking to cooperate with the Committee in good faith, in order to enable it to consider communications, and to forward its Views to the State and the individual concerned. It was incompatible with the obligations of the Optional Protocol for a State party to take action that would prevent or frustrate the Committee in its examination of the communication. It was particularly inexcusable for a State to execute a victim after the Committee had requested the application of interim measures of protection. In a recent case, the European Court of Human Rights had based a judgement on the principles of the Human Rights Committee, and had stated that neglecting the request for interim measures constituted a breach of the individual right of complaint.

9. The following States in addition to the Philippines had failed to act on requests for interim measures: Trinidad and Tobago, Sierra Leone, Tajikistan, Austria, Canada and Uzbekistan. The Committee needed the support and cooperation of States parties in order to function properly. Respect for the use of interim measures should be promoted through bilateral and multilateral measures.

10. Mr. YALDEN, speaking as Rapporteur for follow-up on concluding observations, said that in March 2001 the Committee had introduced a new procedure whereby States parties, following each appearance before the Committee, were asked to provide further information on certain important points within one year instead of in the next periodic report, which would normally not be available for at least four years. He was pleased to report that the results to date had been encouraging and that States parties had, on the whole, been very cooperative. Forty-two States parties had appeared before the Committee since the introduction of the procedure and 29 responses to requests for further information had fallen due. Complete or partial written replies had been received from 26 of those States. Where the material was incomplete, he had successfully taken up the matter with the State concerned. In the case of the three States that had not replied, he had already held a meeting with one and would possibly meet with representatives of another during the current session. One of the 13 States for which the deadline had not yet been reached had already replied. The Committee's annual report to the General Assembly contained further details of the procedure.

11. Turning to the vexed question of the emoluments or so-called "honorariums" of members of treaty bodies and of the Committee in particular, he said that in spring 2002 the General Assembly had adopted resolution 56/272 reducing the annual payment to members of United Nations treaty monitoring bodies, the International Law Commission, the International Narcotics Control Board and other bodies to one United States dollar per year. At no time had the Committee been consulted or officially informed of the decision, even though it had been in session in New York when the matter was being discussed. The then Chairperson, Mr. Bhagwati, had written to the then High Commissioner for Human Rights, Ms. Mary Robinson, and received a non-committal reply. A subsequent memorandum from the secretariat of the Committee to the United Nations Legal Counsel and a letter from the Chairperson to the Secretary-General had met with no response. In 2003, the current Chairperson had sent letters to the Legal Counsel requesting a legal opinion on the matter and to the Director of the Programme Planning and Budget Division at United Nations Headquarters. No reply had been received to either letter. The President of the Economic and Social Council had referred the Committee to the President of the General Assembly. On 28 July 2004, therefore, the Chairperson had written to the President of the General Assembly and again to the Secretary-General. He had received a brief reply from the Controller on behalf of the Secretary-General and no reply from the President of the General Assembly. The Bureau of the Committee thus felt it had no choice but to address itself to the States parties.

12. No bona fide reading of the Covenant could sustain the position that one dollar amounted to the requirement, set forth in article 35 of the Covenant, that the members of the Committee should receive emoluments having regard to the importance of the Committee's responsibilities. He stressed that the term used in the Covenant was emoluments and not "honorariums" as in the

General Assembly resolution which implied an *ex gratia* payment. He also took issue with the statement in the resolution that such "honorariums" were currently payable "on an exceptional basis". The Vienna Convention on the Law of Treaties stipulated in article 31 that treaties should be interpreted in good faith in accordance with the ordinary meaning of the terms used.

13. Although the Committee had not succeeded in obtaining a legal opinion on the matter, the Legal Counsel had responded to a similar request from the International Narcotics Control Board. Article 10 (6) of the 1961 Single Convention on Narcotic Drugs stated that "members of the Board shall receive an adequate remuneration as determined by the General Assembly". The question, according to the Legal Counsel, was whether the General Assembly had exercised its authority appropriately when it had decided to set the payment to Board members at one dollar. In his view, the reduction to one dollar per year of remuneration payable to members of the Board might be viewed as not corresponding to the legislative intent of the relative provision of the 1961 Convention. The position of the Human Rights Committee - in a United Nations environment in which *pacta sunt servanda* amounted almost to a sacred duty - was essentially the same. On a lighter note, he added that none of the members of the Committee had thus far received his or her one dollar. He hoped the States parties would pursue the matter with the appropriate authorities.

14. The CHAIRPERSON noted that the administrative cost of making the one dollar payment amounted to thirty-four dollars in each case. He urged the States parties to request the Economic and Social Council or the General Assembly for an opinion as to whether article 35 of the Covenant had been breached.

15. Mr. ANDO, speaking as Rapporteur for follow-up on the Committee's Views under the First Optional Protocol, said that two years previously the Committee had published a "Festschrift" with contributions by current and past members to mark its twenty-fifth anniversary. He encouraged States parties to give it the widest possible publicity since it provided an overview of the Committee's activities, including its consideration of individual and group petitions under that Optional Protocol.

16. The issue of follow-up to the Committee's Views on such petitions had only begun to be addressed seriously since the end of the cold war and the collapse of communism. Where the Committee found that a State party had violated the Covenant, it made recommendations for remedies and the State party was required to inform the Committee within 90 days of the action it had taken to give effect to those recommendations. In some cases the action taken was satisfactory and in others not; sometimes the State party failed to respond. An unsatisfactory response was, of course, better than no response at all because it could be followed up with a discussion of the merits of the case and of more effective means of implementing the Committee's Views.

17. Unlike some regional human rights courts, the Committee was not a permanent body and met only three times a year owing to United Nations budgetary constraints. There was no provision for the parties to make their case in person before the Committee. The resulting Views and the Committee's jurisprudence were thus not as flawless as might be desired but by acceding to the Optional Protocol, States had given the Committee a mandate which it did its best to fulfil with the limited means at its disposal. The Committee and the States parties were interdependent. Twenty-seven years was a short period in the life of any institution and the

States parties were largely responsible, especially through their reaction to the Committee's Views, for the evolution of the Committee's performance. In countries where public opinion was strong enough to make the most of the complaints procedure, it worked relatively well.

18. Mr. CAFATON (Azerbaijan) said that his Government viewed the participation of non-State actors such as NGOs in the consideration of country reports as an extremely important way of ensuring transparency of the process and ensuring direct dialogue between the parties concerned. Nevertheless, the Committee was sometimes provided with reports and other documentation that did not adequately reflect the real situation in a country or exaggerated certain aspects. To prevent such differences between Governments and the NGO community from damaging the quality of meetings, it would be highly appreciated if the reports of non-State actors could be made available to Governments some three to six months prior to the State party's appearance before the Committee so that lacunae in the reports could be remedied and greater transparency ensured.

19. Ms. SUNDBERG (Sweden) asked whether the revised version of the Committee's rules of procedure was the final version or whether it was still subject to a non-objection procedure.

20. Referring to the backlog of both State party reports and communications, she asked what efforts were being made to speed up the submission of reports and their consideration by the Committee.

21. She wished to hear the Committee's views on the proposed reform of the working methods of treaty bodies, the harmonization of reporting guidelines and, in particular, the idea of a core document and more focused reports.

22. With regard to honorariums, she drew attention to the previous built-in inequality of treatment of the various treaty bodies, with only three being entitled to emoluments. Her delegation was involved in discussions with other members of the Fifth Committee of the General Assembly concerning the problem of resources for the treaty body system. If it could be shown that the treaty bodies had increased their efficiency and absorbed some of the costs incurred through, for example, unduly lengthy reports, resources might be released for the restoration of the emoluments provided for in the Covenant.

23. Ms. KEMILEVA (Switzerland) said that her country was working on a draft joint report for all treaty bodies, which was not a summary of reports for separate bodies but a comprehensive single report. The goal was not just to simplify the reporting procedure but to enhance its efficiency, taking into account the recommendations by the individual treaty bodies. At the meeting of chairpersons of treaty bodies in summer 2004, Switzerland had undertaken to submit a draft core report that autumn. It had taken some time to translate the report, which ran to over 900 pages, from the original German into French and English, but it would shortly be circulated to the treaty bodies and interested States. According to a study by Swiss jurists, the report complied with the guidelines issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The findings of their study would be made available together with the report.

24. She asked whether the Committee had discussed its innovations, such as the appointment of a Rapporteur for follow-up on concluding observations, with the other treaty bodies.

25. She undertook to mention the issue of emoluments in her report on the meeting to the Swiss authorities.

26. Mr. CHUMAREV (Russian Federation) asked whether there was any formal or informal procedure whereby States parties could influence the agenda of their annual meeting with the Committee. It might be interesting, for example, to discuss measures aimed at depoliticizing the Committee's work.

27. He requested statistical data on the number of States parties with overdue reports that had asked for and received technical assistance from OHCHR.

28. A number of members of the Committee had taken part in the proceedings of the open-ended working group on a draft legally-binding normative instrument for the protection of all persons from enforced disappearances, and many States had officially proposed that the Committee should be assigned duties in that regard corresponding to provisions of the Covenant. He wished to know whether the Committee had discussed the matter and taken any decision.

29. The CHAIRPERSON assured the representative of the Russian Federation that States parties were free to propose any item they wished for inclusion in the agenda.

30. Sir Nigel RODLEY said that under the Covenant there was no provision for dealing with information supplied by NGOs. When the Committee had first begun its work, individual NGOs had approached members of the Committee to brief them on concerns regarding States parties whose periodic reports were due for consideration. The only amendment to that procedure was that such information was now often transmitted to the Committee via the secretariat. Additional information was also received from other parts of the United Nations system, including the special procedures of the Commission on Human Rights, and was available to all States parties, which should therefore assume that Committee members had familiarized themselves with any information that was in the public domain. Lists of issues, which were drawn up during the session prior to the consideration of a periodic report, therefore often reflected that level of awareness of allegations relating to a State party.

31. The Committee was aware that delegations were sometimes not informed of all issues. It was common practice, in that situation, to invite the delegation to seek the relevant information from the capital. The Committee did not assume that information from NGOs was well-founded. The aim of the Committee's dialogue with the delegation was to allow the State party to provide its own information and express its point of view. The most important information at the stage of formulating concluding observations was the State party's input.

32. He agreed that it would be good practice to encourage NGOs to make the information they provided to the Committee available to delegations as well. For the most part, however, that information was in the public domain and delegations were already aware of it. It would not be appropriate, under the terms of the Covenant, to convert the information system to a formal advocacy procedure.

33. Ms. CHANET said that the Committee welcomed the idea of harmonized guidelines and the introduction of a core document, which would ease the reporting burden on States parties. However, whatever steps were taken to simplify the reporting process, a certain amount of basic data would be needed by each treaty body, given that States parties had ratified separate instruments that comprised different legal obligations. Committees tried to target their requests in concluding observations on specific questions, and to avoid issues best handled by other treaty bodies.

34. The CHAIRPERSON added that, since the basis of the Committee's work was the Covenant, it sometimes examined the same subjects as other treaty bodies. However, the provisions of the Covenant did not always cover the same points or take the same approach as that adopted by other committees. There was, therefore, a need for cooperation between treaty bodies. States parties' reports should focus on the Committee's questions and concerns and avoid repeating information provided elsewhere. At the inter-committee meetings and meetings of chairpersons, consensus had been reached that the targeted reports to each committee should complement the information supplied to other treaty bodies, and not duplicate it.

35. Mr. RIVAS POSADA said that the Committee recognized the difficulty inherent in responding to continual requests for information from treaty bodies. Similarly, processing and translating all the documentation placed a significant burden on the secretariat. Some committees had approved guidelines limiting the length of periodic reports, while others preferred to allow States parties the freedom to include all the information they wished. Of utmost importance to the Committee was that States parties should prioritize the information they provided and ensure that it answered the Committee's concerns. That in turn allowed the Committee to adopt a focused approach. The nature, length and characteristics of the reports were still under consideration, and it would be unwise to take a decision at the present juncture.

36. Mr. YALDEN said that at the inter-committee meeting in June 2004, all seven treaty bodies had been in favour of introducing procedures to follow up their concluding observations and recommendations. While the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child had requested more time to implement new procedures, they agreed to the general principle. At the subsequent meeting of chairpersons, the recommendation had been endorsed. In order to relieve the reporting burden on States parties, it had been agreed that committees would limit the number of requests for more information in the concluding observations to a maximum of four.

37. Mr. SCHMIDT (Secretary of the Committee) said that the revision of the Committee's rules of procedure had been sent to States parties for information only.

38. The secretariat sent reminders once a year to those States parties whose reports were five or more years overdue.

39. Between 30 and 40 per cent of States parties had requested technical support in compiling reports to the Committee and other bodies. OHCHR had tried to accede to those requests, within the financial restraints under which it operated. Staff members with relevant experience regularly participated in workshops held at the regional, subregional and national levels.

40. The Committee was aware of the need to speed up consideration of individual complaints, of which almost 300 were currently pending. He referred participants to the decision on working methods that had been adopted in July 2004.

41. The CHAIRPERSON, responding to the question from the representative of the Russian Federation, said that as Chairperson of the Committee he had been invited to attend the intersessional open-ended working group to elaborate a draft legally-binding normative instrument for the protection of all persons from enforced disappearance. While the Committee had not discussed that matter, the question of disappeared persons fell within its remit under several articles of the Covenant. The question had been considered by the Committee in connection with a number of concluding observations and communications. It was the responsibility of States parties, not treaty bodies, to decide which body would monitor a legally-binding instrument for the protection of all persons from enforced disappearance. The role of the Committee was to take note of the will of States parties and to act accordingly.

42. Ms. SOSA (Mexico) said that her Government was currently in the process of compiling its fourth periodic report to the Committee, together with other overdue reports to other treaty bodies. It wished to emphasize the importance of increasing the participation of civil society in the reporting process. It had received a request to limit the length of its reports to 120 pages, and agreed that concise reporting under clear guidelines was desirable.

43. In response to Mr. Scheinin's comments on interim measures of protection, her delegation considered that they should be accepted in good faith by States parties, as were concluding observations and other decisions issued by the Committee. However, such measures should not be allowed to hinder the exhaustion of domestic remedies. Moreover, the request for those measures should not influence a decision on the merits of a communication.

44. Her Government had taken the step of publishing the Committee's concluding observations, thus making them available to the public, and urged other States parties to do likewise.

45. Ms. KEMILEVA (Switzerland) said she fully agreed that the reports submitted to the treaty bodies should be targeted and specific, and not contain irrelevant information. That was precisely what her country was aiming at. The 900-page document she had referred to existed in a number of language versions and represented a compilation of the seven Swiss reports awaiting consideration by the various treaty bodies. Hence its size.

46. Mr. CERDA (Argentina), referring to the workshops on the preparation of reports, suggested that the Committee should follow the lead of some other committees and focus on the follow-up to recommendations and concluding observations, so that periodic reports would be more targeted. In the experience of his delegation, the advice given to States parties on drafting reports, particularly those submitting initial reports, had proved effective.

47. Mr. CHUMAREV (Russian Federation) said that the question of the politicization of the activities of the treaty bodies was of particular concern to his Government, as the previous year it had submitted reports to three treaty bodies, and during their consideration, those bodies had given the impression of performing quasi-judicial functions. Certain members of the treaty bodies had made politically nuanced comments which had no bearing on the obligations of the

Russian Federation under the Covenant. He would welcome a meeting to study how political statements of that kind could be limited in such a way as to simplify the dialogue between States parties and the Committee and to create an atmosphere of cooperation which could help the treaty bodies fulfil their functions more effectively.

48. The CHAIRPERSON said that the Committee took great care to ensure that it fulfilled its role under the terms of the Covenant. Committee members were not representatives of States parties and acted as independent experts and, regardless of their sensibilities, they dealt with issues impartially. He did not recall any statements of a political nature being made during the consideration of country reports, but the issue could certainly be discussed. The absolute independence of the experts was fundamental to the credibility of the Committee.

49. Ms. WEDGWOOD, responding to the question on the role of NGOs, said that the most essential safeguard was the rule that the Committee should not include in its concluding observations any matter which had not been raised with the State party. NGO sources served only as the predicate for questions, and delegations had the opportunity to comment on all issues that would be included in the concluding observations. As the Committee did not have its own investigative staff, it must rely to some extent on NGO sources.

50. As to the question of the politicization of the Committee's activities, the wide-ranging membership provided balance in the consideration of all country reports, as each region was represented. That ensured that there was always both a critical and a sympathetic attitude. Admirable progress by States parties was given as much emphasis as subjects of concern.

51. The CHAIRPERSON said that it was important to stress the concept of balance, which included the balance between legal systems and cultures. It was important that the members of the Committee came from countries with different legal systems and cultures.

52. Mr. SCHEININ, responding to the comments made by the representative of Mexico, agreed with her reference to good faith. The response to the great majority of cases was made in good faith, in that the degree of compliance with requests for interim measures was very high, even in the case of the countries which were regularly the subject of communications. For example, death penalty cases from Jamaica had constituted the most important category of cases, and that country had always complied with requests for interim measures.

53. As to the relationship between interim measures and the exhaustion of domestic remedies, registration of a case did not involve an investigation into whether domestic remedies had been exhausted, as that was something to be argued by the parties. However, the main rule governing the question was that there must be a risk of irreversible damage, which was normally only present when domestic remedies had already been exhausted. Occasionally a request was made on a conditional basis, pending the outcome of judicial proceedings. For example, the Committee could request that a person should not be executed while the case was pending.

54. Mr. CHUMAREV (Russian Federation), referring to the document on legally-binding instruments to combat enforced disappearances, said that for many delegations it was very important to understand the extent to which the Committee's work dealt with the issue of

enforced disappearances. In his view, the First Optional Protocol, which had extended the competence of the Committee, should be reviewed. The Committee currently had no official remit to examine the issue of enforced disappearance, and yet had adopted a legal opinion on the question.

55. The CHAIRPERSON said that if the States parties so decided, the Committee could be given the specific task of drafting an appropriate instrument. The matter should be discussed at the next meeting of the working group, and perhaps the Committee could draft a proposal. However, given the current state of affairs it would be preferable to leave the decision to the States parties.

56. Mr. LALLAH said that in the early days of the Committee, there had been much debate on the extent to which the Committee should deal with NGOs, if at all. The conclusion had been reached that each member's knowledge and experience could be complemented by listening to NGOs, particularly those operating in the countries whose reports were under consideration. It was quite natural for States parties, given their obligations under the Covenant, to report to the Committee on the legal framework within which human rights were implemented, but very often the actual situation in the country was not reflected. It was therefore important for NGOs to provide that information. Although the Committee must be careful about what matters it agreed to raise with States parties, many of the issues were already in the public domain, and therefore it was perfectly legitimate for the Committee to ask States parties to comment on them.

57. The Committee had openly examined the efficiency of its working methods, and there had been a number of developments, such as appointing special rapporteurs on follow-up, new communications and concluding observations, and more effective focusing on particular subjects in the consideration of reports. With regard to the comments made by the representative of Switzerland, he agreed that it was difficult for a State party to prepare an initial report, but it was a healthy exercise. If a single report was presented covering all aspects of all treaties, would all the committees sit together? During the conference on reforms in the human rights sector some years previously, that idea had been dismissed. All the committees were represented at the meeting of chairpersons, and papers were circulated between the committees.

58. One of the reasons States parties had difficulties in drafting the initial report was that there were very few people in any given country who knew the full implications of the Covenant, and it was not only the developing countries which had problems in that regard.

59. Mr. ANDO, referring to non-compliance with requests for interim measures, said that the country mentioned had not been the first to fail to comply; however, non-compliance was an exception. Although the Committee's concluding observations were not legally binding, there had been numerous cases where they had had an effect. For example, during consideration of Japan's initial report in 1981, some members had pointed out that the Japanese nationality law then in force might be contrary to articles 3 and 26 of the Covenant, in that it discriminated against women. The Government had discussed the issue, and as a result Japan had ratified the Convention on the Elimination of All Forms of Discrimination against Women, and amended the nationality law.

60. In another case, the Netherlands had amended its unemployment benefit law, which had previously provided that if a man or an unmarried woman lost his or her job, they were automatically entitled to unemployment benefit, but if the woman was married, she must first prove that she was the main breadwinner. There had been debate among the Committee as to whether to apply article 26 to a matter involving economic and social rights, but as that article had no limiting provision as to the scope of application of the principle of non-discrimination, it had been applied. It was clear that even under the Optional Protocol, the Committee's decisions could have an effect.

61. Regarding the reporting burden, the Covenant was very comprehensive and, although there were separate conventions on racial discrimination, discrimination against women, torture and children's rights, those issues had relevant provisions in the Covenant. Consequently, if a country drafted a comprehensive report on the Covenant, certain sections could be reused in reports for the other committees.

62. The CHAIRPERSON reminded the Committee that Ms. Margareta Wadtstein, who had been elected to membership in September on the nomination of Sweden, had passed away on the 17th of that month. The necessary procedures would be undertaken to fill the vacant position.

The meeting rose at 5.35 p.m.